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MEETINGS OF THE STATES PARTIES
Thirteenth Meeting

LETTER DATED 16 MARCH 1994 FROM THE CHARGE D'AFFAIRES A.I. OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I should be grateful if you would circulate the enclosed aide mémoire dated 16 March 1994 as a document of the Thirteenth Meeting of the States Parties to the International Covenant on Civil and Political Rights.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

AIDE MÉMOIRE

Since the adoption of resolution 47/1 by the General Assembly, some international organizations and specialized agencies have adopted arbitrary decisions in connection with the participation of the Federal Republic of Yugoslavia in their work.

Those decisions are totally unfounded and contrary to the letter and spirit of the above-mentioned resolution of the General Assembly, which pertains solely to the non-participation of the Federal Republic of Yugoslavia in the work of the General Assembly. That was clearly confirmed by the opinion of the United Nations Legal Counsel 1/ that "the resolution neither terminates nor suspends Yugoslavia's membership in the Organization ..." and "... does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies".

According to another opinion of the United Nations Legal Office, dated 16 November 1993, the status of Yugoslavia as a party to treaties was not affected by the adoption by the General Assembly of resolution 47/1.

For its part, the Federal Republic of Yugoslavia clearly stated that it will continue the State, international, legal and political personality of the former Socialist Federal Republic of Yugoslavia and that it will strictly abide by all international commitments undertaken by the Socialist Federal Republic of Yugoslavia.

The delegation of the Federal Republic of Yugoslavia regularly participates in the meetings of States parties to various international conventions.

At the Thirteenth Meeting of the States Parties to the International Covenant on Civil and Political Rights, held on 16 March 1994, certain States parties have sought to challenge Yugoslavia's right to participate in this meeting.

The Government of the Federal Republic of Yugoslavia strongly considers that such action is totally unfounded and therefore unacceptable for the following reasons:

(a) It is inconsistent with the provisions of the International Covenant on Civil and Political Rights and the rules of procedure for the meeting of the States Parties;

(b) The status of the Federal Republic of Yugoslavia as a party to that Covenant is not in any way affected by General Assembly resolution 47/1;

(c) The Federal Republic of Yugoslavia has clearly expressed its readiness to abide fully by the commitments arising from the Covenant and cooperate with the Human Rights Committee;

(d) The delegation of the Federal Republic of Yugoslavia has been officially invited to take part in the Meeting of States Parties, for which it has duly submitted full powers.

The Government of the Federal Republic of Yugoslavia wishes to draw the attention of the States parties to the International Covenant on Civil and Political Rights to the fact that such legally unfounded and politically motivated action by certain States parties may set a dangerous precedent with respect to the status of the States parties to the Covenant and create serious obstacles to its implementation.

It should be understood that the denial of the legitimate right of the Federal Republic of Yugoslavia to participate in the Meeting of the States Parties would at the same time imply the suspension of its obligations arising from the Covenant. Therefore, it would mean that Yugoslavia will no longer be obliged to implement the provisions of the Covenant.

The International Covenant on Civil and Political Rights is a specific category of treaties valid erga omnes with the primary goal of protecting human rights. Therefore, the decision not to allow participation of the delegation of the Federal Republic of Yugoslavia in the Thirteenth Meeting of the States Parties to the International Covenant on Civil and Political Rights is in total contradiction with this noble goal as it would discriminate against a State party that has demonstrated readiness and resolve to honour and implement the Covenant.

Notes

1/ A/47/485.